

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2636-2011 (O&M)

Date of decision: 05.09.2017

Rajesh Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Aman Inder Preet, Advocate (Amicus Curiae)
for the petitioner
Mr.R.K.Makkad, Deputy Advocate General, Haryana

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

The petitioner was convicted and sentenced by learned Judicial Magistrate First Class, Jind vide judgment of conviction and order of sentence dated 15.2.2011 to undergo Rigorous Imprisonment for three months and to pay a fine of Rs.250/- for commission of offence punishable under Section 336 IPC, in default of payment of fine, to further undergo Simple Imprisonment for 15 days and to further undergo Rigorous Imprisonment for a period of six months and to pay a fine of Rs.750/- for commission of offence punishable under Section 15 of the Indian Medical Council Act, 1956, in default of payment of fine, to further undergo Simple Imprisonment for one month. Both the sentences were directed to run concurrently.

I have heard learned Amicus Curiae and also learned State counsel and gone through the case file carefully.

Custody certificate dated 4.9.2017 filed in Court today and the same is taken on record.

The allegations against the present petitioner are that he was

practicing as a quack, without having any licence to practice as a doctor. On 4.6.2007, he infused an injection in the left glutial region by pressing one Surender aged 6-7 years under his knees. As his condition did not improve, he was taken to the General Hospital, Jind on 9.6.2007. His left leg stopped working due to infusion of injection by the present petitioner. When he was further taken to PGIMS Rohtak, it was found that due to said injection, two veins have been blocked.

After going through the judgments of both the Courts below, I am of the view that there is no illegality in the conviction recorded by both the Courts below. The case has been duly supported by the statement of the complainant. There is sufficient material to convict the petitioner.

Learned counsel for the petitioner has placed reliance on compromise deed (Annexure P3), which shows that the parties have compromised, therefore, prayer is for taking a lenient view in the matter.

After considering the compromise and the facts of the case, I am of the view that quacks are danger to the society. Left leg of a young boy stopped working due to negligent act of infusion of injection by the present petitioner who was practicing without any degree or certificate.

It being so, I do not find any ground to interfere in the quantum of sentence.

The present petition stands dismissed. Let the petitioner be re-arrested to undergo the remaining part of the sentence.

05.09.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No